

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHN A. MATTERA,

Supervisee.

No. 12-cr-127 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a *pro se* letter, dated December 27, 2024, from the Supervisee, John A. Mattera, requesting that the Court provide him with documents related to his pending violation of supervised release in this matter and his indictment in a separate criminal case pending before Judge Preska (24-cr-117). Because the Supervisee is represented by counsel (*see, e.g.*, Doc. No. 107) and has not requested to proceed *pro se* or asserted that counsel is not adequately representing him, the Court declines to consider the *pro se* letter. *See Loc. Crim. Rule 49.2(a)* (“[A] defendant represented by counsel in a pending criminal case . . . may not file or submit any pro se letter, motion, or brief.”); *see also United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir. 2016) (“A defendant has a right either to counsel or to proceed *pro se*, but has no right to ‘hybrid’ representation, in which he is represented by counsel from time to time, but . . . slip[s] into *pro se* mode for selected presentations.” (citation omitted)). The Court has provided a copy of Mr. Mattera’s *pro se* letter to defense counsel via email and will maintain the original submission under seal. *See Loc. Crim. Rule 49.2(b)* (“[I]f a represented defendant, acting *pro se*, files or submits a letter, motion, or brief in violation of this rule, the court must: (1) on notice to all parties, forward

a copy of the document to the defendant's attorney of record and file the document under seal and ex parte; and (2) not afford the document further consideration.”).

Accordingly, IT IS HEREBY ORDERED THAT Mattera's request for documents is denied pursuant to Local Criminal Rule 49.2. IT IS FURTHER ORDERED THAT the Supervisee's letter shall be maintained under seal and ex parte.

SO ORDERED.

Dated: January 13, 2025
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation